

**Appl. No.** : 10/090,421  
**Filed** : February 28, 2002

### **REMARKS**

In response to the Office Action mailed August 13, 2003, Claims 1-35 of the above-captioned application are pending. Applicant acknowledges with appreciation that Claims 24-35 have been allowed. Applicant, however, desires a language change of Claims 24 and 27 and respectfully requests the Examiner to allow the language change. Claim 1 is canceled without prejudice or disclaimer. Applicant respectfully requests the Examiner to reconsider the remaining claims in view of the foregoing amendments and the following comments. Claims 36-38 have been added. Applicant respectfully requests the Examiner to consider the added claims also in view of the following comments.

#### Nakayama et al. Does Not Anticipate Claims 5-7 and 16

Claims 1, 5-7 and 16 stand rejected under 35 U.S.C. § 102(b) as anticipated by Nakayama et al. (US 5,378,180). Claim 1 has been canceled without prejudice or disclaimer. Claims 5-7 and 16 have been amended to directly or indirectly depend from Claim 2 that was indicated to be allowable if placed in independent form. Claim 2 has been so amended as discussed below. Claims 5-7 and 16 are not anticipated by Nakayama et al. because of the dependency to Claim 2. Applicant respectfully requests the Examiner to withdraw the rejections against Claims 5-7 and 16 and to reconsider those claims.

#### Nakayama et al. Does Not Make Obvious The Outboard Motor Recited By Claim 8

Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Nakayama et al. (US 5,378,180). Claim 8 has been amended to depend from Claim 2 that was indicated to be allowable. Claim 8 is not rendered obvious by Nakayama et al. because of the dependency to Claim 2. Applicant respectfully requests the Examiner to withdraw the rejection against Claim 8 and to reconsider the claim.

**Appl. No.** : 10/090,421  
**Filed** : February 28, 2002

The Applied Combination of Nakayama et al./ Kaneko et al. Does Not Make Obvious The Outboard Motor Recited By Claims 8-10

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nakayama et al. (US 5,378,180) in view of Kaneko et al. (US 6,041,591).

Claim 8 is patentable as discussed above. Claims 9 and 10 depend from Claim 8. Claims 9 and 10 thus are patentable for at least the same reasons as Claim 8. Reconsideration of Claims 8-10 is respectfully requested.

The Applied Combination of Nakayama et al./ Woodward Does Not Make Obvious The Outboard Motor Recited By Claims 17 and 18

Claim 17 and 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nakayama et al. (US 5,378,180) in view of Woodward (US 6,511,355). Claims 17 and 18 have been amended to depend from Claim 2 that was indicated to be allowable. Claims 17 and 18 are patentable because of the dependency to Claim 2. Applicant respectfully requests the Examiner to withdraw the rejection against Claims 17 and 18 and to reconsider those claims.

The Applied Combination of Nakayama et al./ Motose et al. Does Not Make Obvious The Outboard Motor Recited By Claims 19 and 20

Claim 19 and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nakayama et al. (US 5,378,180) in view of Motose et al. (US 6,119,453). Claims 19 and 20 have been amended to depend from Claim 2 that was indicated to be allowable. Claims 19 and 20 are patentable because of the dependency to Claim 2. Applicant respectfully requests the Examiner to withdraw the rejection against Claims 19 and 20 and to reconsider those claims.

The Applied Combination of Nakayama et al./ Fujimoto Does Not Make Obvious The Outboard Motor Recited By Claims 19 and 21-23

**Appl. No.** : 10/090,421  
**Filed** : February 28, 2002

Claims 19 and 21-23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nakayama et al. (US 5,378,180) in view of Fujimoto (US 5,911,610).

Claim 19 is patentable as discussed above. Claims 21-23 depend from Claim 19. Claims 21-23 thus are patentable for at least the same reasons as Claim 19. Reconsideration of Claims 19 and 21-23 are respectfully requested.

Amended Claims 2-4 and 11-15 Are In Condition For Allowance

The Examiner indicated that Claims 2-4 and 11-15 would be allowable if rewritten in independent form. The amendment to Claims 2, 11, 13 and 14 overcomes the objection and rewrites Claims 2-4 and 11-15 to stand on their own. Claims 2-4 and 11-15 are now in condition for allowance.

Claims 24 and 27 Are Amended

Claims 24 and 27, which were already allowed, have been amended to make the claims and depending claims more clear. No new matter is entered to the claims. Applicant respectfully requests the Examiner to allow the change of language in Claims 24 and 27.

Claims 36-38 Are Newly Added

Claims 36-38 have been added to provide protection of a different scope for certain aspects of the present invention. These claims are supported by the drawings along with the respective written description. These claims also define over the applied references. Consideration and allowance of these claims is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

**Appl. No.** : 10/090,421  
**Filed** : February 28, 2002

The undersigned has made a good faith effort to respond to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Bill Shreve at (949) 721-2895 (direct line) in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 5, 2003

By: 

William H. Shreve  
Registration No. 35,678  
Attorney of Record  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614

H:\DOCS\TYN\OAS\SANSHVFSF5520US1CPAM1.DOC  
120503